

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/30/07

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SOUTH PACIFIC SHIPPING CO., LTD., etc.,
et ano.

Plaintiffs,

CASE NO.: 07 CIV 6317 (GEL)

-against-

UNDERTAKING FOR
TEMPORARY RESTRAINING ORDER

NEW YORK CONTAINER TERMINAL, INC.,

Defendant.
-----X

WHEREAS, THE ABOVE NAMED PLAINTIFFS have applied for a TEMPORARY
RESTRAINING ORDER in the above entitled action, restraining the Defendant from doing
things as more fully set forth in the Order of this Court dated July 26, 2007.

NOW, THEREFORE, WE, INTERNATIONAL FIDELITY INSURANCE COMPANY OF
AMERICA, do hereby undertake that the Plaintiff South Pacific Shipping Co., Ltd. above-named
will pay the Defendant up to but not exceeding \$250,000.00, for all costs and damages which may
be incurred or suffered by Defendant, if Plaintiffs are found to have wrongfully restrained Defendant.

This Undertaking is executed by the undersigned on the basis of the authorization reflected
in the attached Power of Attorney.

DATED, New York, New York, 26th July, 2007.

INTERNATIONAL FIDELITY INSURANCE COMPANY

BY: Darlene A. Bornt
Darlene A. Bornt, Attorney-in-Fact

Approved
7/30/07
S. Michael M...
Clerk
B A
Attorney

FD-350 (Rev. 7-96)

POWER OF ATTORNEY

INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR
NEWARK, NEW JERSEY 07102-3209

KNOW ALL MEN BY THESE PRESENTS: The INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the State of New Jersey, and having its principal office at the City of Newark, New Jersey, does hereby constitute and appoint:

CLARK P. FITZ-HUGH, DARLENE A. BORNT, KATHERINE B. WERNER, CATHERINE C. RHODE,
KRISTINE K. SELLERS, MARLEY M. MORRIS, ELIZABETH TREASDAWAY, CANDICE T. GROS,
B. TUCKER FITZ-HUGH, LINDA A. BOURGEOIS

New Orleans, LA.

to true and lawful attorney-in-fact to execute, seal and deliver for and on its behalf as aforesaid, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3, Section 3, of the By-Laws adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting called and held on the 31st day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority:

- (1) To sign and attest in fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and;
- (2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



IN TESTIMONY WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 29th day of August, A.D. 2003.

STATE OF NEW JERSEY
County of Essex

INTERNATIONAL FIDELITY INSURANCE COMPANY

[Signature]
Secretary

On this 29th day of August 2003, before me came the individual who executed the foregoing instrument, to me personally known, and, being by me duly sworn, said the he is the person described and authorized officer of the INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and the signatures were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

[Signature]

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 11, 2010

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and attached, and the copy of the Section of the By-Laws of said Company relating to said Power of Attorney, with the ORIGINAL ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct, true and correct, and of the whole of the said instrument, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and

[Signature] JUL 9, 2007

[Signature]
Assistant Secretary